

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Mylan N.V. Securities Litigation

Case No. 1:16-CV-07926 (JPO)

MYL Litigation Recovery I LLC

vs.

Mylan N.V., *et al.*

Case No. 1:19-CV-01799 (JPO)

Abu Dhabi Investment Authority

vs.

Mylan N.V., *et al.*

Case No. 1:20-CV-01342 (JPO)

STIPULATION AND ORDER

WHEREAS, pursuant to Federal Rules of Civil Procedure 30(b)(6) and 45, Defendants in the above-captioned actions (the “Actions”) issued deposition subpoenas (the “Subpoenas”) to and noticed the depositions of non-parties Aetna, Inc. (“Aetna”), Anthem, Inc. (“Anthem”), Cigna Corporation (“Cigna”), CVS Health Corporation (“CVS”), Express Scripts Holding Company (“ESI”), Humana Pharmacy Solutions, Inc. (“Humana”), Kaiser Foundation Health Plan, Inc. (“Kaiser”), MedImpact Healthcare Systems, Inc. (“MedImpact”), OptumRx, Inc. (“OptumRx”), Prime Therapeutics LLC (“Prime”), and United Healthcare Services, Inc. (“United”, and together with Aetna,

Anthem, Cigna CVS, ESI, Humana, Kaiser, MedImpact, OptumRx, and Prime, the “Non-Parties”).

WHEREAS, Plaintiffs in these Actions have not noticed the depositions of or issued deposition subpoenas to the Non-Parties;

WHEREAS, each of the Non-Parties provided deposition testimony (the “Depositions”) in *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, 17-md-2785-DDC-TJJ (D. Kan.) (the “EpiPen MDL”);

WHEREAS, each of the Non-Parties produced to the parties in these Actions (or permitted the production of) the transcripts of the Depositions and all deposition exhibits thereto (the “Non-Party Transcripts”);

WHEREAS, in light of the existing testimony from the Non-Party Transcripts, the parties in these Actions agree that deposing the Non-Parties in these Actions would be duplicative and unnecessary, and would serve neither the interest of judicial economy, the interests of the parties, nor the interests of the Non-Parties;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that:

1. The Depositions of the Non-Parties from the EpiPen MDL shall be deemed taken in these Actions.
2. All questions that were asked of the Non-Parties during the Depositions will be deemed to have been asked of the same Non-Parties in these Actions, and all answers given by the Non-Parties in the Depositions will be deemed to have been given by the Non-Parties in response to those questions in these Actions.

3. All objections permitted under the Federal Rules of Civil Procedure and the Federal Rules of Evidence (and any other applicable rules in these Actions) during the taking of a deposition that were raised to any questions asked at the Depositions will be deemed to have been raised as if the Depositions were taken in these Actions, and all objections as to form that were not raised to the questions asked at the Depositions will be deemed to have been waived.

4. Defendants' withdrawal of the Subpoenas shall have no bearing on the validity or enforceability of Paragraphs 1, 2, or 3.

5. To the extent any of the Non-Party Transcripts contain redactions, or any deposition exhibits are withheld, by the Non-Parties in order to protect the confidential information of other third parties (because the Non-Parties are not authorized to disclose such information), such redactions or withheld exhibits shall have no bearing on the validity or enforceability of Paragraphs 1, 2, or 3, except that the questions and answers that are redacted will not be deemed to have been asked and answered in these Actions.

IT IS SO STIPULATED

Dated: March 7, 2021

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SO ORDERED.

Dated: March 8, 2021
New York, New York



J. PAUL OETKEN
United States District Judge